

MINUTES OF THE ANNUAL MEETING OF THE ESCALANTE VALLEY
WATER USERS ASSOCIATION, BERYL, UTAH, FEBRUARY 14, 1980

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WATER RIGHTS

The meeting was called to order at 4:00 PM at the Escalante Valley Community Building by Mr. Normand Laub, Chairman, who introduced representatives of the office of the State Engineer, Mr. Donald C. Norseth, Mr. Gerald W. Stoker and Mr. Arthur V. May, and Mr. Grant Twitchell, Water Commissioner.

The following water users were in attendance:

A. Morley Wilson
John M. McGarry
Lavon Randall
Robert Holt
Lehi Wood
Niels L. Nielsen

Darwin Hulet
Albert Harrison
John Hafen
Grant Twitchell
Richard T. Jones
Marvin Bracken

Nyal Bosshardt
Roy Benson
Mike Brown
Lowel V. Day
Alfred Pedersen
Dan Tullis

The minutes of the last annual meeting were read and approved as read.

Mr. Donald Norseth read the financial statement for 1979 which was approved.

Mr. Grant Twitchell presented the printed copies of the Commissioners Annual Report; gave a short oral report, and also indicated that he had a supply of water meter parts on hand if anyone needs parts or repairs. His report was approved with thanks.

Mr. Laub then indicated that the next item on the agenda was the preparation of the budget of expenses for the year 1980. Mr. Norseth reviewed the itemized expenses and the budget for last year. After full discussion and review, the amount of \$3,619.00 for budgeted items with a water assessment based on \$3,000.00 was adopted under a motion by Robert Holt, seconded by Dick Jones and duly passed. The difference between the budgeted expenses and the assessment will be taken out of the surplus in the distribution trust funds. The Only change in the budgeted expenses is the Commissioner's Travel Expenses raised from \$.20 to \$.30/mile with the total of \$900.00 the same as last year.

A motion was then made by Morley Wilson, seconded by Mike Brown and duly passed authorizing the board of directors to make a recommendation to the State Engineer for the appointment of a water commissioner for 1980.

Mr. Laub opened the meeting to discussion on various problems with which the water users might or will be faced in the near future and more particularly the usage and depletion of the underground water supply by the operation at the Silver Mine. Mr. Laub asked the question if the present association as it exists can represent the water users in the valley. Mike Brown suggested that the presently elected board should represent the water users. Mr. Darwin Hulet suggested we should use the association to collect funds as necessary to hire expert witnesses and attorneys, etc. Morley Wilson thought we should use the present organization and it's board of directors or formally set up another organization.

Mr. Mike Brown reported on the actions taken by a group of farmers relative to the Silver Mine problem.

Representatives of the State Engineers Office suggested we should hold another general meeting of the water users and take whatever action is necessary including collecting any general assessments separate and apart from the trust funds their office administers.

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Mr. Norseth indicated that the State Engineers office is checking out the legal aspects as to whether they have any jurisdiction on the mine situation. He also suggested the board of directors draft a letter to the Utah Attorney General asking him for an opinion in this regard. Suggestions were also made that the board communicate with the Utah Water Users Association, Farm Bureau Federation and others who could possibly help with the situation.

A motion was made by Robert Holt, seconded by Mike Brown and duly passed unanimously that the board be authorized to proceed with all haste to take whatever actions are necessary to stop the depletion caused by the pumping of the Escalante Silver Mine.

After much general discussion and suggestions from the water users present the following was adopted, under a motion made by Dick Jones, seconded by Darwin Hulet and passed unanimously: "Any actions taken relative to the Silver Mine Problems should be based on representation, voting privileges and possible assessments by and for agricultural users, using either acre-feet or decreed water rights as a basis for representation with others being added at the discretion of the board."

The next item undertaken was the selection of directors to fill the expired terms of John M. McGarry, A. Morley Wilson and Niels L. Nielsen on the Board of Directors.

Those nominated as directors for a two-year term were: Alfred P. Pedersen, John M. McGarry, Michael Brown, LaVon Randall, Niels L. Nielsen and A. Morley Wilson.

Mr. Niels Nielsen asked that his name be removed from the slate of nominees. A motion was made and duly seconded and passed that nominations cease and a vote was had.

The composition of the board for the year 1980 is as follows:

One Year Term: Normand Laub, Robert Holt
Two Year Term: John M. McGarry, Michael Brown, LaVon Randall
Sherwood Bracken, representing Enterprise Reservoir Company
Richard Jones, Newcastle Reservoir Company
John Hafen, Pinto Irrigation Company.

Albert Harrison brought up problems regarding the diversion of water in the Pinto Irrigation Company and there was a response by Donald Norseth and Gerald Stoker.

There being no further business the meeting was adjourned at 5:30 P.M.

Respectfully submitted,

John M. McGarry
John M. McGarry, Secretary